

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ALLCO RENEWABLE ENERGY  
LIMITED, et al.,

Plaintiffs,

v.

DEB HAALAND, in her official capacity  
of Secretary of the Interior, et al.,

Defendants,

and

VINEYARD WIND 1 LLC,

Intervenor-Defendant.

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Civil Action No. 1:21-cv-11171-IT

[PROPOSED] ORDER

August 4, 2022

TALWANI, D.J.

On July 18, 2021, Plaintiffs, Allco Renewable Energy Limited, Allco Finance Limited and Thomas Melone filed a complaint against the Defendants in the above-captioned matter. [ECF No. 1]. The Complaint was amended by the First Amended Complaint (“FAC”) [ECF No. 58]. On June 30, 2022, [ECF No. 127], the Court dismissed without prejudice Counts I, II, XIV, XV, XVI, XVII, and XVIII (second) of the FAC. On July 20, 2022, [ECF No. 131], the Court added Count III to the list of counts dismissed by the June 30, 2022, Order.

Plaintiffs now move to (1) dismiss with prejudice and without costs Counts V, VII, VIII, IX, X and XVIII (first) against the Vineyard Wind project, and (2) add Counts VI, XI and XII to the list of counts dismissed without prejudice by the June 30, 2022, order [ECF No. 127]. The Defendants and the Intervenor consent to the relief requested in the motion while reserving objections as to the merits of any re-filed claims.

Based upon the foregoing, the Court grants Plaintiffs’ motion and dismisses with prejudice and without costs Counts V, VII, VIII, IX, X and XVIII (first) against the Vineyard Wind project, and adds Counts VI, XI and XII to the list of counts dismissed without prejudice by the June 30, 2022, order.

Based upon the foregoing, pursuant to Federal Rule of Civil Procedure 21, Colonel John A. Atilano II, in his official capacity, and the U.S. Army Corps of Engineers are dropped as co-Defendants.

August 4, 2022

/s/ Indira Talwani  
United States District Judge